

No. 9/5/84-6Lab/9785.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the Workman and the management of M/s Ayodhya Contractor C/o M/s Amarpali, Structures Pvt., Ltd., 14/7, Mathura Road, Faridabad (ii) Amarpali Structures Pvt., Ltd., 14/7, Mathura Road, Faridabad.

IN THE COURT SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 124 of 85

between

SHRI ABDUL REHMAN, WORKMAN AND THE RESPONDENT-MANAGEMENT
OF M/S AYODHYA CONTRACTOR, C/O M/S. AMARPALI STRUCTURES
PVT. LTD., 14/7, MATHURA ROAD, FARIDABAD, (II) M/S.
AMARPALI STRUCTURES PVT. LTD., 14/7,
MATHURA ROAD, FARIDABAD

Present:—Workman with Shri H. P. Singh.

None for the respondent-management.

AWARD

This industrial dispute between the workman Shri Abdul Rehman, and the respondent-management of M/S Ayodhya Contractor, C/O M/S. Amar Pali Structures Pvt. Ltd., 14/7, Mathura Road, Faridabad, (ii) M/S. Amar Pali Structures Pvt. Ltd., 14/7, Mathura Road, Faridabad has been referred to this Court by the Honble Governor of Haryana,—vide his order No. ID/FD/1-85/8145-51, dated 4th March, 1985, under Section 10 (i) (c) of the Industrial Disputes Act, 1947 for Adjudication. The terms of the reference are:—

Whether the termination of services of Shri Abdul Rehman, was justified and in order ? I not the what relief is he entitled ?

According to the demand notice, the workman was employed on 5th July, 1983 and his services were illegally terminated on 25th September, 1984. He has prayed for reinstatement with continuity of service and with full back wages.

None appeared for the management after service through registered cover and UPC. Hence the management was proceeded *ex parte*,—vide my order dated 13th August, 1985.

In *ex parte* evidence the workman appeared as WW-1 and supported his contentions. He has further stated that he has made a complaint to the Labour Inspector but the respondent did not appear and he was not given any retrenchment compensation at the time of his termination. In view of the above said *ex parte* statement, I find that the workman has completed more than 240 days of service. He was not given any retrenchment compensation as required under Section 25-F of the I. D. Act. Hence his termination is illegal and un-justified. Hence the workman is entitled to reinstatement with continuity of service and with full back wages,

The award is given accordingly.

Dated, the 10th October, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 3325, dated the 31st October, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad,

The 9th December, 1985

No. 9/5/84-6Lab./10030.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the Workman and the management of M/s Sakambhari Engineering Private Ltd., Plot No. 70, Sector 6, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 502 of 1985.

Between

SHRI DHUP NATH WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S
SAKAMBHARI ENGINEERING PRIVATE LTD., PLOT NO. 70,
SECTOR 6, FARIDABAD

Present—

None for the workman.

Shri Shiv Rattan along with Shri M. P. Gupta, Authorised representative.

AWARD

This industrial dispute between the workman Shri Dhup Nath and the respondent management of M/s Sakambhari Engineering Private Ltd., Plot No. 70, Sector 6, Faridabad has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/91-85/35997-36002, dated 3rd September, 1985, under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Dhup Nath was justified and in order? If not to what relief is he entitled?

The workmen did not appear inspite of service at the given address on 15th October, 1985. Hence he was proceeded *ex parte* on that date. Today the management has filed the written statement and *ex parte* statement of Shri Shiv Rattan has been recorded. He has stated that the factory has been closed since 24th April, 1985 and the workman settled his dispute. Photo copy of settlement is Ex-M-1 and photo copy of the payment of receipt is Ex-M-2. He is not entitled to reinstatement with the management. Hence the award is given that the dispute has been fully settled.

Dated the 30th October, 1985.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endost. No. 3374, dated the 5th November, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6 Lab./10091.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Vee Kay Industries, Plot No. 122, Sector 6, Faridabad:—

IN THE COURT OF SHRI R.N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 175 of 1985

between

SHRI PREM SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S.
VEE KAY INDUSTRIES, PLOT NO. 122, SECTOR 6, FARIDABAD

Present :—

Workman with Shri S. C. Srivastava.

Shri Jagbir Bhadana for the respondent.

AWARD

This industrial dispute between the workman Shri Prem Singh, and the respondent-management of M/s. Vee Kay Industries, Plot No. 122, Sector 6, Faridabad has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/17-85/11355-60, dated 20th March, 1985 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Prem Singh, was justified and in order ? If not, to what relief is he entitled -?

According to the demand notice, the workman was appointed on 18th December, 1982 and his services were terminated on 10th October, 1984. He has contended that he had proceeded on leave on 9th September, 1984 to 25 September, 1984. He fell ill and sent his medical certificate on 21st September, 1984. He received his fitness certificate on 6th October, 1984 and he reported for duty on 10th October, 1984. He had written letter on 11th October, 1984 to the management. This demand notice was given on 12th November, 1984.

The contention of the management is that the reference is pre-mature. The services of the workman were never terminated. He is still on the roll of the company. He received his wages on 7th September, 1984. Since then he remained absent from duty without any lawful permission. Today the management has stated that they are ready to join him on duty at 1.00 P. M. The workman also agree to join duty. The present reference is bad because there is no reference to the effect if the workman has left the services of his own and is absent. This court cannot travel beyond the terms of reference. It has been presumed by the state Government that the services of the workman have been terminated by the management. Hence this reference is bad in view of judgement of Hon'ble Bombay High Court in Sita Ram Vishnu Shirodkar and the Administrator Government of Goa and others 1985-(I) LLJ page 480 and Honble Delhi High Court in India Tourism Development Corporation, New Delhi Vs. Delhi. Administration Delhi and other (1982-LIC page 1309).

In view of the above said law, the award is given that the reference is bad. The workman can move the appropriate authority afresh if he so desire for the reference in proper terms.

Dated the 15th October, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 3377, dated 5th November, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the I.D. Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab./10253.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management M/s S. G. Steel Pvt. Ltd., Plot No. 6, Sector 4, Ballabgarh.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD.

Reference No. 324 of 1984

between

SHRI BANSI LAL WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S
S. G. STEEL PVT. LTD., PLOT 6, SECTOR 4, BALLABGARH.

Present:—

Shri Manchar Lal for the workman.

Shri Rajinder Dhawan and Shri A. K. Sharma for the respondent-management.

AWARD

This industrial dispute between the workman Shri Bansi Lal and the respondent-management of M/s. S. G. Steel Pvt. Ltd., Plot No. 6, Sector 4, Ballabgarh has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/45-84-31885-90, dated 28th August, 1984 under section (10) (i)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are as under:—

Whether the termination of services of Shri Bansi Lal, workman, was justified and in order? If not, to what relief is he entitled?

Shri A. K. Sharma has stated that the workman has settled his dispute with the management. Copy of the settlement is Ex. M-1 and the copy of the receipt of payment is Ex. M-2. The workman has left of his right of reinstatement/re-employment with the respondent-management and no dispute is pending between the parties. The representative of the workman has stated that he has no instructions from the workman. He has believed this statement of the management to be true.

In view of the settlement, the award is given that the dispute has been fully settled.

Dated the 31st October, 1985.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 3381 dated, the 19th November, 1985

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/10259.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Universal Moulders Plot No. 95, Industrial Area, Sector 6 Faridabad:—

IN THE COURT OF SHRI R.N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 328 of 1985

between

SHRI YASH PAL, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S.
UNIVERSAL MOULDERS PLOT NO. 95, INDUSTRIAL AREA, SECTOR 6, FARIDABAD

Present :—

None for the parties.

AWARD

This industrial dispute between the workman Shri Yash Pal and the respondent-management of M/s. Universal Moulders Plot No. 95, Industrial Area, Sector 6, Faridabad, has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/33-85/28702-7, dated 10th July, 1985, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Yash Pal was justified and in order? If not, to what relief is he entitled?

The workman has been duly served on the address given, It shows that the workman is not interested to pursue his reference. Hence the award is given that there is no dispute between the parties.

Dated, the 31st October, 1985.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 3389, dated 19th November, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour & Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab./10260.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Perfect Industrial Sanjay Memorial Stand, Plot No. 15, 20/2, Faridabad:—

IN THE COURT OF SHRI R.N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 396 of 1985

between

SHRI GARISH CHANDER, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S.
PERFECT INDUSTRIAL SANJAY MEMORIAL STAND, PLOT NO. 15, 20/2, FARIDABAD.

Present.—

None for the Parties.

AWARD

This Industrial dispute between the workman Shri Garish Chander and the respondent-management of M/s. Perfect Industrial Sanjay Memorial Stand, Plot No. 15, 20/2, Faridabad has been referred to this Court, by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/72-85/30797—802, dated 23rd July, 1985, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Garish Chander is justified and in order? If not, to what relief is he entitled?

Present none for the parties. The workman has been sent the Regd. Cover. It has been received back un-served with the report that the workman is not available. Hence the award is given that there is no dispute between the parties.

Dated, 30th October, 1985,

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 3390, dated 19th November, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.